

REMARK

Applicant's representative wishes to thank Examiner Pedder for the courtesy extended during the personal interview conducted January 12, 2005. A separate record of the substance of the interview is included in the remarks which follow.

Claims 1 and 3-51 remain in this application, and claim 2 is canceled. Reconsideration of the application is requested.

Claims 31, 34, and 39 are amended above after consideration of the comments provided by the Examiner in section 2 on page 2 of the Office Action and now comply with the requirements of 35 U.S.C. §112, second paragraph.

The comments provided by the Examiner in section 11 on page 5 of the Office Action are acknowledged with appreciation. Claim 34 is rewritten in the manner referred to and is now allowable. Claims 35-39, which depend on claim 34, are allowable as well. For reasons discussed below, however, it is respectfully submitted that the rest of the claims in this application are allowable as they appear above.

Currently amended claim 1 incorporates limitations previously appearing in claim 2, which is canceled, and the rejection of claim 1 under 35 U.S.C. §102(b) set forth in section 10 on page 5 of the Office Action is moot.

DRAWING AMENDMENTS

Please amend Figures 4-6 and 11 by replacing the drawing sheets including these figures with the replacement drawing sheets appended to this Reply. Also appended to this Reply are copies of the original drawing sheets showing, in red, the changes made to Figures 4-6 and 11.

Independent claims 1 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over British publication 1162627 to Porsche in view of German publication G 94 06 435.0 to von Fuener et al. Reconsideration is requested.

In the embodiment of the present invention shown in the drawings of this application, the roof 9 comprises two roof elements 13 and 14 fitted together in a longitudinal center plane B-B. Each of the roof elements 13 and 14 interacts, by way of a first fixing device 15 and a second fixing device 16 of the fixing system 11, with a windshield frame 3 and, by way of a locking device 17 of a locking system 12, with the vehicle body structure 6. Both claim 1 and claim 40 reflect these features and, as discussed during the interview, it is respectfully submitted that the roof forming the subject matter of the Porsche publication does not include a first fixing device and a second fixing device as claims 1 and 40 define. Although the von Fuener publication discloses a removable roof comprising two roof elements fitted together in a longitudinal center plane, each of the two roof elements is held in position, in the front and the rear, by means of a single locking device.

The comments set forth by the Examiner in section 5 on page 3 of the Office Action are noted. It is respectfully submitted, however, that leg 14, edge 16, and elastic member 18 of the Porsche roof can not be considered "a first fixing device" and depending pin 42 and slot 41 of the Porsche roof can not be considered "a second fixing device" as the Examiner contends. The additional secondary references discussed in sections 6, 7, and 8 on pages 3-5 of the Office

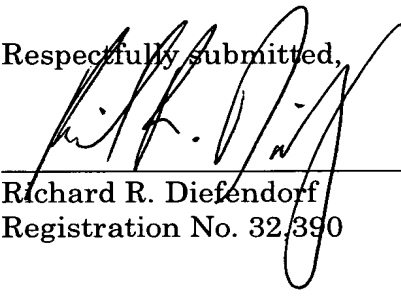
Application No. 10/716,941
Reply to Office Action dated October 14, 2004

Action fail to suggest modifying the Porsche roof so as to include fixing devices as specified, and it is further submitted that claims 1 and 40 are patentable in their present forms. Claims 3-33, which depend on claim 1, and claims 41-51, which depend on claim 40, are considered patentable as well. All claims remaining in this application, therefore, should now be patentable.

This application is now in condition for allowance. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

January 14, 2005

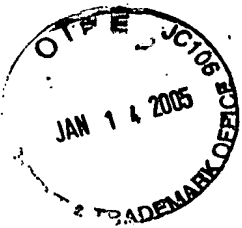
Respectfully submitted,



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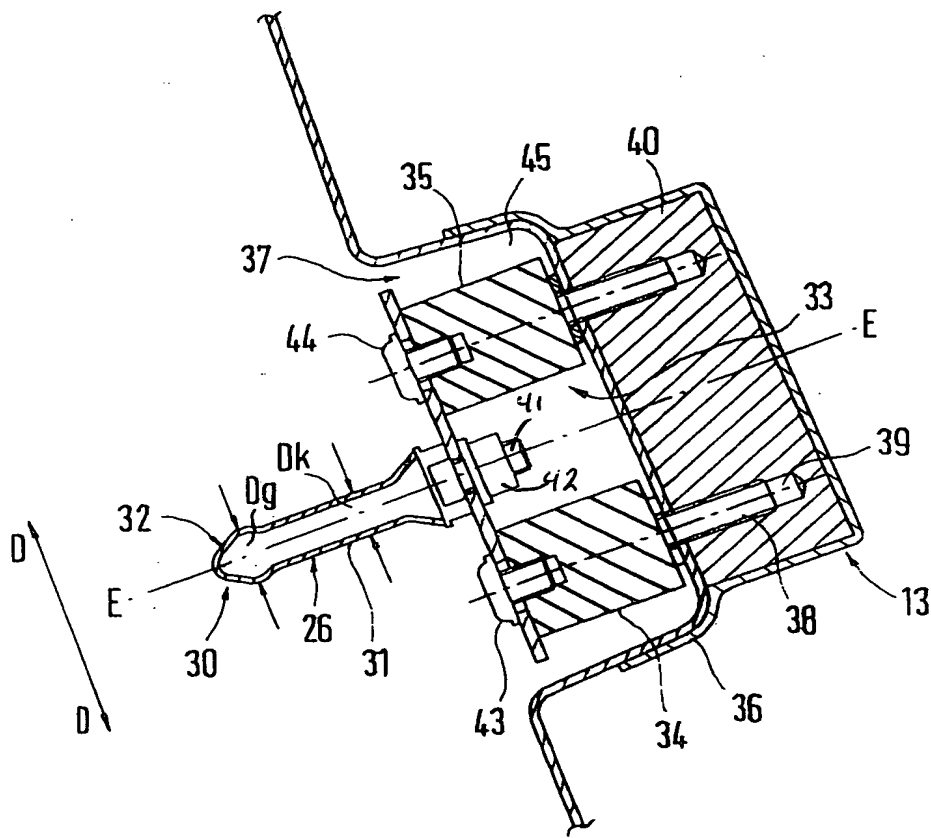
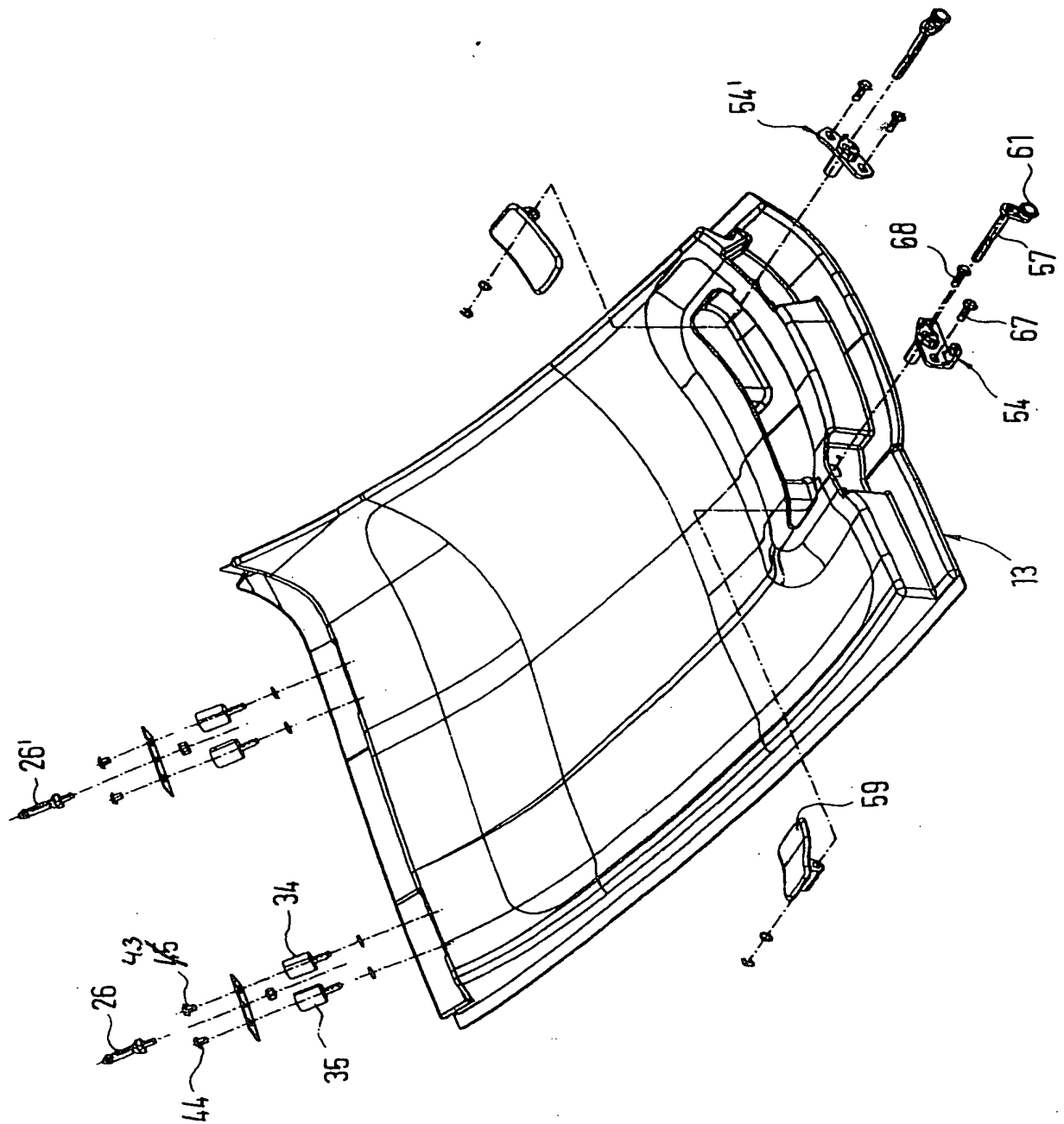


Fig. 5



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Fig. 6



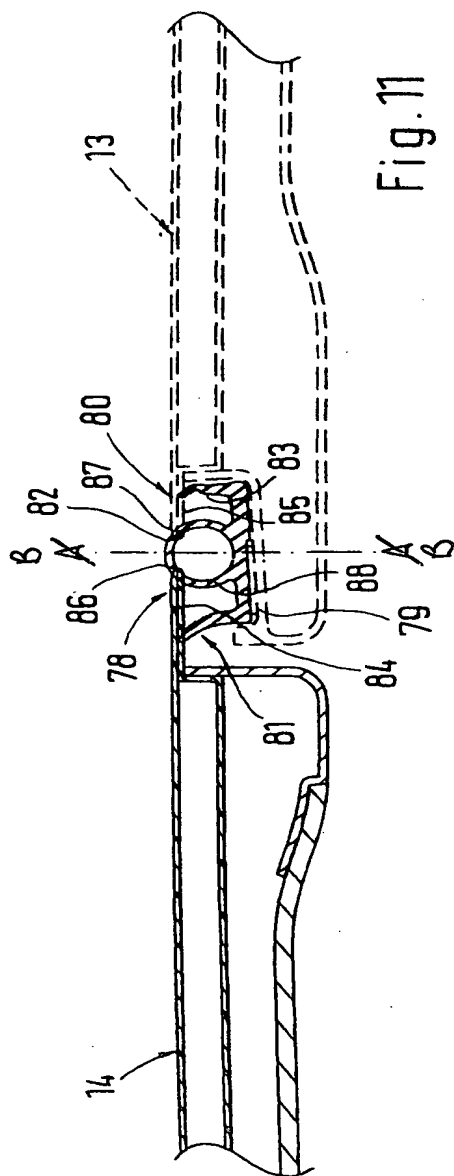


Fig. 11

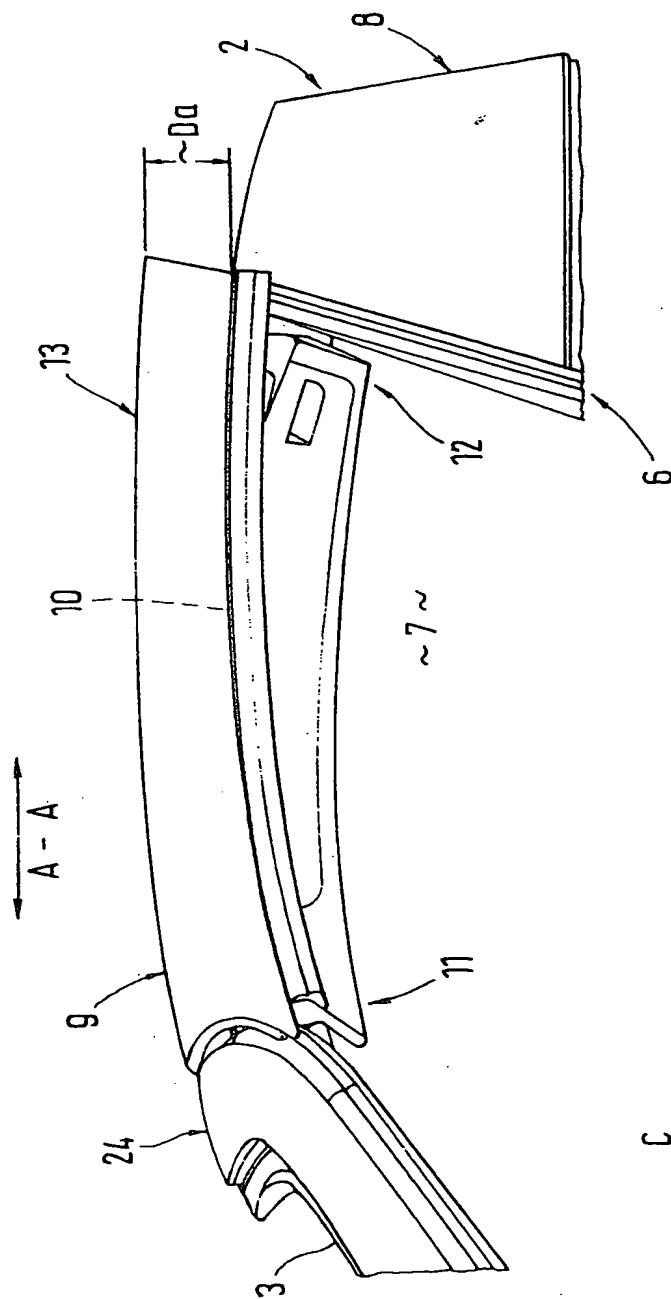


Fig. 12